

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2396 OF 2006

Hindustan Petroleum Corporation Ltd. ... Petitioners

V/s

M/s. Manek Shah & Associates ... Respondents

Mr. A.A. Kumbhakoni with Ms. D.S Retiwala and Mr. M.D. Siodia i/by M/s. Rustamji & Ginwala for the petitioners.

Mr. Chirag Balsara i/by A.S. Dayal & Associates for the respondents.

CORAM: P.V. KAKADE, J.

DATED: 2ND MAY, 2006

P.C.:

1. The petitioners have impugned the order passed by the appellate Court below Exh.7 of 2005 in Appeal No. 669 of 2005 in T.E. & R. Suit No. 102/113 of 2001 directing that pending the appeal certain amounts to be deposited.

2. On filing of the writ petition, the order was passed dated 7.4.2006 directing the petitioners to deposit the decretal amount of Rs.22,19,025/- alongwith additional amount of Rs.25 lacs within three weeks. The advocate

for the petitioners states that they have deposited the amount as per the directions of this Court which was given on 7.4.2006. On that basis, the learned counsel for the respondents makes statement that they shall not execute the decree pending the appeal if this amount is deposited.

3. Since the interim order dated 7.4.2006 passed by this Court is complied with, nothing remains in the petition because the statement is made on behalf of the respondents that they shall not execute the decree pending final disposal of the appeal pending in the lower appellate Court. On the basis of this statement, therefore, the petition is rendered infructuous and stands disposed of as such with no order as to costs.

4. The hearing of the appeal is expedited and shall be disposed of by the lower appellate Court within two months from the date of this order.

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